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Status of the Claims

Claims 13-15 were pending, claim 13 being independent.

Claim 13 is amended herein.

New claims 16-22 have been added, including independent claim 16.

After the present amendment, the pending claims are 16-22.

Summary of the Examiner Interview

Examiner M. Thaler and the Attorney for the Applicants spoke on September 18, 2007. The Applicant sought clarification of the Examiner's understanding of the term "substantially constant" (as used in claim 13) vis-a-vis FIGs. 46-48 of U.S. Patent No. 6,387,101 to Butts (hereinafter Butts).

The Attorney explained to the Examiner that an interpretation of the term "substantially constant" so as to include the tip of the injector in FIGs. 46-48 of Butts was unduly broad given that the tip in Butts appears to have a slope that is equal to or larger than compression zone of the nozzle 1022 of Butts. Accordingly, one of ordinary skill in the art would understand that the diameter in the tip of Butts was not substantially constant or one would conclude that the FIGs of Butts are inappropriate for making any conclusions about the tip.

More specifically, the Attorney stated that, in FIG. 47 of Butts, it is apparent that the slope of the compression region of the tip is less than the slope in the tip of Butts. Accordingly, it would be difficult to conclude that the diameter of the tip in Butts is substantially constant. Further, the Attorney indicated that, while it is difficult to identify the surface that forms the compression zone of nozzle 1022 in FIG. 46 of Butts, even if one were to assume that the lumen of the compression zone is identified by the line of greatest slope in FIG. 46, it is apparent that the slope of the compression region is equal to the slope of the tip of Butts.

No agreement was reached regarding the term "substantially constant." However, the Examiner did indicate a belief that, if the claims were amended to delete the term "substantially," claim 1 would define over the injector illustrated in FIGs. 46-48 of Butts, but that a review of the specification of Butts would be needed before a conclusion on patentability could be reached.

Rejections under 35 U.S.C. 112

The Examiner indicated that claim 14 was unclear because there was no antecedent basis for the term "the constant outer diameter."

The Applicant respectfully traverses this rejection. Claim 13, from which claim 14 depends, recites as follows "the portion having a constant outer diameter along the length, the constant outer diameter being smaller than the first outer diameter." Accordingly, there is antecedent basis in independent claim 13.

Withdrawal of the rejection of claim 14 under 35 U.S.C. 112 is respectfully requested. If the Examiner continues to believe that there is an antecedent basis issue with claim 14, the Attorney requests that the Examiner call the Attorney at the phone number provided below.

Rejections under 35 U.S.C. 103

Claims 13-15 were rejected under 35 U.S.C. 103 over Butts.

Without acceding to the Examiner's allegation that Butts discloses an insertion segment having a portion having a substantially constant outer diameter, per the Examiner Interview the Applicant has amended claim 13 to delete the term "substantially."

Claim 13 is now patentable over Butts at least because Butts does not disclose an insertion segment having the portion with a constant outer diameter along the length.

Claims 14 and 15 depend from claim 13 and are patentable over claim 13 for at least the same reason as claim 13.

Withdrawal of the rejections of claims 13-15 is respectfully requested.

New Claims 16-22

Based on the Examiner interview, the Applicants believe that claims 16-22 will help clarify the nature of the invention.

Independent claim 16 is patentable over Butts at least because Butts does not disclose "an insertion segment, the insertion segment having a lumen extending to the open end, the insertion segment having at least one slot through a portion that extends from the open end, said portion having an inward taper that is less than the inward taper of the compression segment."

As described above, Butts discloses having a taper in the region of the slots that is equal to or greater than the compression segment, not less than the compression segment.

Allowance of new claims 16-22 is respectfully requested.

Respectfully submitted,



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